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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

RED HAT, INC.,

Plaintiff,

v.

VIRTAMOVE, CORP.,

Defendant.

CASE NO. 5:24-CV-04740-PCP

**PLAINTIFF RED HAT'S
STATEMENT OF RECENT
DECISION RELEVANT TO MOTION
FOR LEAVE TO SUPPLEMENT
(DKT. 59)**

Pursuant to Local Rule 7-3(d)(2), Declaratory Judgement Plaintiff Red Hat, Inc. (“Red Hat”) provides notice to the Court of additional authority pertinent to the issues raised in Red Hat’s Motion for Leave to Supplement the Pleadings (Dkt. 59), VirtaMove, Corp.’s (“VirtaMove”) Motion to Dismiss (Dkt. 31), Red Hat’s Opposition thereto (Dkt. 34), and VirtaMove’s Reply (Dkt. 42). These briefs refer to VirtaMove’s co-pending lawsuits in Texas against various cloud computing providers—wherein VirtaMove asserts the same patents that are at issue in the above captioned matter against Kubernetes-based container products like that offered in Red Hat’s OpenShift product—and the pending motions to transfer those cases to this District. Dkt. 59 at 1; Dkt. 34 at 1, 15; Dkt. 42 at 2. Those pending transfer motions were likewise referenced during the December 12, 2024 hearing in response to the Court’s questions regarding the Eastern and Western District of Texas as available forums. Dkt. 58 (12-12-2024 Hr’g Tr.) at 17. On January 22, 2025, the District Court in the Western District of Texas granted transfer of VirtaMove’s cases against Google and Amazon to the Northern District of California. *See VirtaMove, Corp. v. Amazon.com, Inc.*, No. 7:24-cv-00030-ADA-DTG, Dkt. 87 (W.D. Tex. Jan. 22, 2025) (attached hereto as Exhibit 1); *VirtaMove, Corp. v. Google LLC*, No. 7:24-CV-00033-DC-DTG, Dkt. 86 (W.D. Tex. Jan 22, 2025) (attached hereto as Exhibit 2).¹

Dated: January 23, 2025

Respectfully submitted,

/s/ Todd M. Friedman

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¹ IBM’s and HPE’s respective motions to transfer VirtaMove’s cases from the Eastern District of Texas to this District remain pending.

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